

7-45. Noncompliance Penalty: Notice of Noncompliance (1200 TN 350 7-45)

1. **AUTHORITY.** Pursuant to regulations promulgated under the noncompliance penalty section, section 120, of the Clean Air Act, to provide a brief but reasonably specific notice of noncompliance to each person who is not in compliance.
2. **TO WHOM DELEGATED.** Director, Air Protection Division (APD); director, Hazardous Site Cleanup Division (HSCD); and the director, Office of Enforcement, Compliance, and Environmental Justice (OECEJ).
3. **LIMITATIONS.**
 - a. Prior to exercising this authority, the delegatee must consult the AA for OECA.
 - b. The AA for OECA may exercise these authorities in multi-regional cases or in cases of national significance.
 - c. The AA for OECA must notify any affected RA prior to exercising any of the above authorities.
 - d. The AA for OECA may waive, in writing, the consultation requirement.
 - e. The director, OECEJ may exercise the above authority only in multi-media cases.
 - f. The director, OECEJ must consult with the APD delegatee before exercising the above authority.
 - g. The delegates must obtain the concurrence of the regional counsel before exercising this authority.
 - h. The director, HSCD authority is limited to the issuance of notices of noncompliance to persons not in compliance with the requirements of Section 112(r) of the CAA.
 - i. The director, OECEJ must consult with the HSCD delegatee before exercising this authority for notices of non-compliance for requirements of Section 112(r) of the CAA.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the associate division director level, and no further. This authority may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 120 of CAA and Section 112 (r) of CAA.
6. **SUPERSESSION.** Delegations Manual, CAA, Regional Delegation 7-45.
Noncompliance Penalty: Notice of Noncompliance, 1200 TN RIII-135 (October 26, 1999).

Date 3/17/2017Cecil Rodriguez
Acting Regional Administrator